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10/812,039

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Chaitanya Kanojia

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

530 VIRGINIA ROAD

P.O. BOX 9133

CONCORD, MA 01742-9133

EXAMINER

RUBIN, BLAKE J

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,039	<b>Applicant(s)</b> KANOJIA ET AL.	
	<b>Examiner</b> BLAKE RUBIN	<b>Art Unit</b> 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is a response to communications filed on July 3, 2008.
2. Claims 1-16 are pending in this application. Claims 1, 11, and 14 are currently amended.
3. This application is a continuation of US Application No. 09/515,032, claiming benefit to provisional Application No. 60/185,202, filed on March 6, 2000.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn (Patent No. 6,199,136) in view of Hylton et al (U.S. Patent 5,630,204, hereinafter Hylton).**

6. With respect to claim 1, Shteyn discloses a system for event driven content installation on a network device over a data network (column 2, lines 66-67; column 3, lines 1-24), the system comprising:

a network device (column 2, lines 32-34, *set top box*) detecting a change in a configuration of the network device (column 2, lines 66-67, column 3, lines 1-3) and transferring information regarding the configuration change (column 3, lines 4-7, *obtain this information from the registry*);

Art Unit: 2457

a remote server receiving the information regarding the configuration change (column 3, lines 4-7, *registry*) and in response to the information received (column 8, lines 38-43, *state changes in the network*), searching a database for content (column 8, lines 38-43, *query a directory*) (i) corresponding to the configuration change (column 8, lines 38-43, *notify network 102 of events and state changes in network*) and (ii) supporting the configuration change to the network device (column 7, lines 14-18, *setting their properties*), by comparing the information received to content stored in the database (column 7, lines 37-40, *query interface*), and (iii) to be downloaded to the network device (column 7, lines 55-62, *uploaded bytecode*);

the remote server sending a message (column 4, lines 2-4) notifying the network device of a location of the content (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*) corresponding to the configuration change (column 8, lines 38-43, *state changes in the network*);

the network device requesting download (column 4, lines 35-36, *upload*) of the content at the location identified in the message (column 8, lines 38-43, *directory*); and

the remote server downloading the content to the network device in response to the request (column 4, lines 36-37, *uploaded*).

But does not disclose two different network paths.

However, Hylton discloses a first network path transferring information regarding a configuration (column 22, lines 49-57, *out-of-band downstream signaling channel*) and a second network path transferring content resulting from a configuration change (column 7, lines 36-40, *X.25 data network*; column 8, lines 25-29, *download executable program code*),

Art Unit: 2457

whereby installation instructions are sent via the first path in parallel to the content transfer (column 22, lines 49-57, *controlling software*).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Shteyn with the teachings of Hylton. The motivation to combine being, to increase the efficiency of the system by maintaining separate paths on which to transfer data pertaining to particular tasks.

7. With respect to claim 2, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the configuration change of the network device is an addition of hardware (column 3, lines 1-3) associated with the network device (column 7, lines 18-21).

8. With respect to claim 3, the combination of Shteyn and Hylton discloses the system of claim 2, Shteyn further discloses wherein the content is a driver (column 8, line 17), application program (column 3, line 25), configuration file (column 8, lines 12-17, *modifying operation is converted into a command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53, *advertise its capabilities*) associated with the additional hardware (column 7, lines 12-18, *associated device*) and which corresponds to the configuration change (column 7, lines 12-18, *state change*).

Art Unit: 2457

9. With respect to claim 4, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the configuration change is a removal of hardware (column 3, lines 1-3) associated with the network device (column 7, lines 18-21).

10. With respect to claim 5, the combination of Shteyn and Hylton discloses the system of claim 4, Shteyn further discloses wherein an uninstall program for removal of software (column 2, lines 66-67; column 3, lines 1-3) associated with the removed hardware (column 7, lines 18-21).

11. With respect to claim 6, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the content is a driver (column 8, line 17), application program (column 3, line 25), configuration file (column 8, lines 12-17, *modifying operation is converted into a command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53, *advertise its capabilities*).

12. With respect to claim 7, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses the remote server comprises a bulk download manager that downloads the content to the network device (column 7, lines 51-53, *calls*).

13. With respect to claim 8, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the remote server comprises a system manager (column 2, lines 66-67; column 3, lines 1-3, *event manager*) that receives the information

Art Unit: 2457

regarding the configuration change (column 2, lines 66-67; column 3, lines 1-3, *changes in the network configuration*) and sends the message notifying the network device of the location of the content in the database (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*).

14. With respect to claim 9, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the network device comprises a system agent that detects the change in the configuration of the network device (column 7, lines 14-18, *state change*) and transfers information regarding the configuration change (column 7, lines 18-20, *a command is sent to the associated device*).

15. With respect to claim 10, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the network device comprises a bulk download agent that requests the download of the content (column 7, lines 51-53, *calls*).

16. With respect to claim 11, Shteyn discloses a method for event driven content installation on a network device over a data network (column 2, lines 66-67; column 3, lines 1-24), the method comprising:

detecting a change in a configuration (column 2, lines 66-67, column 3, lines 1-3) of a network device (column 2, lines 32-34, *set top box*);

transferring information regarding the configuration change (column 3, lines 4-7, *obtain this information from the registry*) to a remote server (column 3, lines 4-7, *obtain this information from the registry*);

receiving a message from the remote server (column 4, lines 2-4) that provides a location in a database (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*) of content which has been searched for (column 8, lines 38-43, *query a directory*) in response to the information transferred (column 3, lines 4-7, *obtain this information from the registry*), the content (i) corresponding to the configuration change (column 8, lines 38-43, *notify network 102 of events and state changes in network*) and (ii) supporting the configuration change to the network device (column 7, lines 14-18, *setting their properties*);

downloading the content from the database location identified in the message (column 4, lines 36-37, *uploaded*); and

But does not disclose two different network paths.

However, Hylton discloses a first network path transferring information regarding a configuration (column 22, lines 49-57, *out-of-band downstream signaling channel*) and a second network path transferring content resulting from a configuration change (column 7, lines 36-40, *X.25 data network*; column 8, lines 25-29, *download executable program code*), whereby installation instructions are sent via the first path in parallel to the content transfer (column 22, lines 49-57, *controlling software*).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Shteyn with the teachings of Hylton. The motivation to combine



Art Unit: 2457

being, to increase the efficiency of the system by maintaining separate paths on which to transfer data pertaining to particular tasks.

17. With respect to amended claim 12, the combination of Shteyn and Hylton discloses the method of claim 11, Shteyn further discloses wherein the configuration change of the network device is an addition or removal of hardware (column 3, lines 1-3) associated with the network device (column 7, lines 18-21)

18. With respect to amended claim 13, the combination of Shteyn and Hylton discloses the method of claim 11, Shteyn further discloses wherein the content is driver (column 8, line 17), application program (column 3, line 25), configuration file (column 8, lines 12-17, *modifying operation is converted into a command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53, *advertise its capabilities*) which corresponds to the configuration change (column 7, lines 12-18, *state change*).

19. With respect to amended claim 14, Shteyn discloses a method for event driven content installation on a network device over a data network (column 2, lines 66-67; column 3, lines 1-24), the method comprising:

receiving the information from a remote network device (column 2, lines 32-34, *set top box*; column 6, lines 58-59) regarding a change in a configuration (column 2, lines 66-67, column 3, lines 1-3) of the remote network device (column 2, lines 66-67, column 3, lines 1-3);

Art Unit: 2457

in response to the information received, searching a database for content (column 8, lines 38-43, *query a directory*) (i) corresponding to the configuration change (column 8, lines 38-43, *notify network 102 of events and state changes in network*) and (ii) supporting the configuration change to the network device (column 7, lines 14-18, *setting their properties*), by comparing the information received to content stored in the database (column 7, lines 37-40, *query interface*);

sending a message to the network device (column 4, lines 2-4) including a location of the content (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*) corresponding to the configuration change (column 8, lines 38-43, *state changes in the network*);

receiving a request for a download of the content (column 4, lines 35-36, *upload*) at the location (column 8, lines 38-43, *directory*);

downloading the content to the remote network device in response to the request (column 4, lines 36-37, *uploaded*); and

But does not disclose two different network paths.

However, Hylton discloses a first network path transferring information regarding a configuration (column 22, lines 49-57, *out-of-band downstream signaling channel*) and a second network path transferring content resulting from a configuration change (column 7, lines 36-40, *X.25 data network*; column 8, lines 25-29, *download executable program code*), whereby installation instructions are sent via the first path in parallel to the content transfer (column 22, lines 49-57, *controlling software*).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Shteyn with the teachings of Hylton. The motivation to combine

Art Unit: 2457

being, to increase the efficiency of the system by maintaining separate paths on which to transfer data pertaining to particular tasks.

20. With respect to claim 15, the combination of Shteyn and Hylton discloses the method of claim 14, Shteyn further discloses wherein the configuration change of the network device is an addition or removal of hardware (column 3, lines 1-3) associated with the remote network device (column 7, lines 18-21)

21. With respect to claim 16, the combination of Shteyn and Hylton discloses the method of claim 14, Shteyn further discloses wherein the content is a driver (column 8, line 17), application program (column 3, line 25), configuration file (column 8, lines 12-17, *modifying operation is converted into a command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53, *advertise its capabilities*) which corresponds to the configuration change (column 7, lines 12-18, *state change*).

### ***Response to Arguments***

22. Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2457

a.	Bishop et al	Patent No.	6,377,782
b.	Croy et al	Patent No.	6,476,825
c.	Himmel	Patent No.	6,167,441
d.	Knee et al	Patent No.	6,014,184
e.	Klosterman et al	Patent No.	5,940,073
f.	Knee et al	Patent No.	5,587,892
g.	Ludtke et al	PCT No.	99/57899

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571) 270-3802.

The examiner can normally be reached on M-R: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/812,039  
Art Unit: 2457

Page 12

10/15/08

/Rubin Blake/  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457